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Examiner Newton O. Edwards

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Message:In re: Meyer *et al.*

Confirmation No.: 4624

Appl No.: 10/722,380

Group Art Unit: 1774

Filed: November 25, 2003

Examiner: Edwards, Newton O.

For: MULTICOMPONENT FIBER INCLUDING A LUMINESCENT COLORANT

Please see the attached Response to Restriction Requirement in reference to the above-identified patent application.

Number of Pages: (including cover page)

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Attorney's Docket No. 038675/270589

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Meyer <i>et al.</i>	Confirmation No.:	4624
Appl No.:	10/722,380	Group Art Unit:	1774
Filed:	November 25, 2003	Examiner:	Edwards, Newton O.
For:	MULTICOMPONENT FIBER INCLUDING A LUMINESCENT COLORANT		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated October 13, 2004, in which the Examiner has required restriction between Group I, namely Claims 1-24, 29 and 30, Group II, namely Claims 31-34, Group III, namely Claims 25, 26, 27, and 28, Group IV, namely Claims 31-34, and Group V, namely Claims 35, 36, 37, and 38. Applicants hereby provisionally elect with traverse to prosecute the claims of Group II (Claims 31-34, drawn to a sheath-core fiber) and expressly reserve the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Applicants note that Group II and Group IV list the same claims. Thus, for purposes of this response, Applicants have ignored Group IV and have focused on the remaining four groups.

There appears to be an election of species requirement related to Group II, although the species election is identified as pertaining to Group III in the Office Action. It appears that the election of species is required as to the type of colorant in Claim 31 and an election is required with respect to the list of polymeric materials appearing in Claim 34. In order to be fully responsive, Applicants elect phosphorescent colorant in Claim 31 and nylon 6 in Claim 34. Applicants note that consideration of additional species should take place upon allowance of a generic claim as provided by 37 C.F.R. §1.141. Currently, Claim 31 is generic in Group II.

Applicants traverse the restriction requirement in part. Specifically, Applicants note that Claims 31-34, which are drawn to a sheath-core fiber, represent a sub-embodiment of independent Claim 1 of Group I. As such, it is not believed that search and examination of Group I and Group II together would pose a serious burden to the Examiner. In essence, Claims 31-34 represent a particular structural species of the multicomponent fiber of Group I, particularly Claim 1. As a result, Applicants respectfully request treating Claims 31-34 as an elected species of Group I and thus combining Group I and Group II for purposes of examination with the understanding that

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additional species would be also examined if a generic claim, such as Claim 1, was found to be allowable.

Additionally, Applicants respectfully object to the separation of Group II and Group III. Group III, namely Claims 25-28, are also drawn to a sheath and core fiber wherein the sheath comprises a non-luminescent polymer component and the core comprises the "second polymeric component", which is defined in Claim 1 as comprising at least one luminescent colorant. Although Claim 31 specifies that the core comprises at least one fluorescent or phosphorescent colorant, it is understood in the art that fluorescent and phosphorescent colorants are examples of luminescent colorants. Further, in the specification, the term luminescent colorant is defined as encompassing fluorescent colorants and phosphorescent colorants. Thus, the claims of Group II are actually a species of the invention claimed in Group III. Accordingly, it is not believed that examination of Groups II and III would be a serious burden to the Examiner and should logically be examined together since both groups pertain to sheath/core fibers with a luminescent core.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

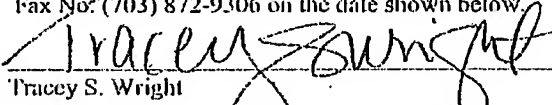

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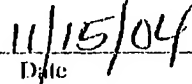
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